

REMARKS

Claims 2-9 are pending. Claim 2 is the only independent claim. Favorable reconsideration is requested.

In the Office Action, claims 2-9 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,526,296 (Nieminen). Applicants submit that independent claim 2 and the claims dependent thereon are patentable for at least the following reasons.

Independent claim 2 is directed to a folding portable communication unit which is composed of first and second cabinets and a hinge for so supporting the first and second cabinets that they are rotational around the hinge. The foldable communication unit includes: first display/data-input means, which displays first information related to mobile telephone communication, inputs a first data related to the communication, and is situated on an obverse surface of the first and second cabinets, and second display/data-input means which displays second information related to mobile telephone communication, inputs a second data related to the communication, and is situated on a rear cover of the first or second cabinet. The second information can be watched and the second data can be inputted by a user in case that the first and second cabinets are folded.

In the communication unit defined by claim 2, both of the first and second display/data input means are for displaying information related to mobile telephone communication.

Nieminen shows a foldable device that in a closed position is a cellular telephone, and in an open position is a PDA. The keypad 6b and display 6a located on the outer surface are used for functions related to cellular mobile telephone (CMT) communication. On the

other hand, the keys 5b and the display 5a on the inside of the opened unit are used for the PDA data input/display.

In the Preliminary Remarks dated February 24, 2005, Applicants pointed out that the rejection fails to set forth a prima facie case of anticipation at least because the identified portions of Nieminen do not describe all the features of claim 2 shown together, as is required. Specifically, the portion of Nieminen relied upon as teaching wireless communication from a PDA (col. 2, lines 38-50) relates to a prior art stand alone PDA, while the rest of the portions of Nieminen cited to meet other features of claim 2 relate to the disclosed embodiment of Nieminen's invention, which is nowhere taught as including the features of the prior art device.

In the Examiner's response to arguments, the position was taken that "the PDA user interface of the Nieminen's wireless communication device is the same PDA user interface of the communicator mentioned in the prior art and relates to mobile communication." (Page 5 of the Office Action). However, this statement is completely unsupported by any evidence and is completely conclusory.

In fact, contrary to the position taken at page 5 of the Office Action, the description of Nieminen's invention is completely devoid of *anything* that would indicate that his PDA user interface is the same as the prior art interface. The Office Action cites col. 7, lines 39-49 in support of his position. However, that section only refers to an embodiment of Nieminen's actual invention. It contains no teaching that would lead one to believe the PDA interface discussed in the Background section is the same as the PDA interface of Nieminen's invention.

In fact, as has been previously pointed out, this section makes clear that Nieminen's display 6a is for CMT functions, whereas display 5a is for PDA functions. The fact that the entire unit, i.e., the "wireless communication device 1" is referred to in this portion in no way supports the Examiner's contention that the PDA display of Nieminen's embodiments relate to mobile communication, still less mobile telephone communication. Nor does this portion refer or relate in any way to the prior art PDA discussed in Nieminen's background section, contrary to the position taken at page 5 of the Office Action.

Col. 9, lines 2-27, also relied upon by the Examiner at page 5 of the Office Action, similarly does not refer to the prior art PDA and certainly does not support the Examiner's contention that Nieminen's invention uses the prior art PDA interface. In view of the foregoing, and the fact that the prior art device cannot be combined with Nieminen's disclosed invention to support an anticipation rejection, the Examiner has failed to set forth a prima facie case of anticipation. For at least the above reasons, claim 2, and the claims dependent thereon, are patentable over Nieminen.

If the Examiner intends to maintain this rejection, he is requested to provide an affidavit supporting the position taken at page 5 of the Office Action, which is completely unsupported by the reference itself.

The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

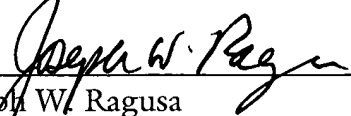
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In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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